

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Gridley to remove the Laurel Street crossing of the Union Pacific Railroad Company tracks and construct a new crossing in the City of Gridley, County of Butte.

Application 04-02-031
(Filed February 27, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING DIRECTING
FURTHER RESPONSES BY PROTESTANT AND APPLICANT**

1. Summary

The City of Gridley (Applicant) seeks authority to remove a Laurel Street railroad crossing and construct a new crossing 3,560 feet to the south across the tracks of the Union Pacific Railroad Company (Union Pacific). Applicant states that the proposed crossing is needed because of increased truck traffic that will be generated by an industrial park west of the railroad tracks. The application has been protested by Union Pacific. This ruling directs both Union Pacific and Applicant to respond within 30 days to further questions intended to assist the Commission in determining the need for hearings.

2. Questions to Union Pacific

The Rail Crossing Engineering Section (Staff) met with the parties during the summer and, on July 19, 2004, requested additional information from Applicant. Applicant has responded, with a copy of its response served on Union Pacific.

1. Union Pacific is directed to state whether its position has changed in view of the further information provided by Applicant.
2. Union Pacific is directed to state whether it intends to file a withdrawal of its protest and, if not, an explanation of why the additional information furnished by Applicant is insufficient in meeting Union Pacific's concerns.
3. Union Pacific is directed to state the number of trains that would be expected to use the proposed new crossing and the speed of those trains during such use.
4. If the protest remains in place, Union Pacific is directed to state its preferred dates for a Prehearing Conference and evidentiary hearings.

3. Question to Applicant

Applicant is directed to respond to the following questions:

1. Please submit a copy of Applicant's response to Staff's request for additional information.
2. Please state whether the application is an outgrowth of any general plan for the area and, if so, whether the general plan has been the subject of public notice and hearings.
3. Please state the projected annual average daily traffic (AADT) count for motor vehicles for the proposed crossing.
4. Please state whether the proposed crossing is intended to enhance public safety and emergency responses, and, if so, how the crossing will accomplish this.
5. Please state how applicant intends to comply with applicable safety requirements, including Commission General Order (GO) 26-D (clearances), GO 72-B (pavement construction), GO 75-C (crossing protection), and GO 118 (walkways).
6. Please state why grade separation for the proposed crossing is not practicable.

7. Please state how Applicant intends to fund the construction of the proposed crossing.
8. Please state the status of Applicant's environmental review of the proposed crossing and whether a Notice of Exemption has been filed with the county and state.
9. If the protest remains in place, please state Applicant's preferred dates for a Prehearing Conference and evidentiary hearings.

4. Time for Response

Union Pacific is directed to serve a response to questions directed to it, and Applicant is directed to serve a response to questions directed to it, within 30 days of the date of this ruling, with copies to the undersigned Administrative Law Judge and to each party on the service list. It is not necessary to file the responses.

IT IS RULED that Union Pacific Railroad Company and the City of Gridley are directed to serve responses to the questions addressed to them in this ruling within 30 days of the date of this ruling.

Dated September 21, 2004, at San Francisco, California.

/s/ Glen Walker
Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Directing Further Responses by Protestant and Applicant on all parties of record in this proceeding or their attorneys of record.

Dated September 21, 2004, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.